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11 Attorneys for Plaintiff UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA, ) No.: CR 05-00064 PJH  
15 Plaintiff, ) STIPULATION AND [PROPOSED]  
16 v. ) ORDER  
17 MARCUS LESLIE, )  
18 Defendant. )  
19 \_\_\_\_\_)

20 With the agreement of the parties, the Court enters this Order re-scheduling the  
21 sentencing hearing in this case from December 13, 2005, at 2:30 p.m., to January 11, 2005,  
22 at 2:30 p.m. The parties agree, and the Court finds and holds, as follows:

23 1. The Defendant is presently scheduled to be sentenced on December 13, 2005. He is  
24 out of custody on bond while awaiting sentencing.

25 2. The undersigned attorney for the government must appear in San Jose on  
26 December 13, 2005, at 1:30 p.m., for a motion hearing before the Honorable Howard R. Lloyd in  
27 connection with United States v. Xiao Feng Shen, CR 05-00715 JF (HRL). Although the motion  
28 was not filed by the moving party until December 8, 2005, it was noticed for hearing on  
December 13, 2005 pursuant to an order shortening time. Due to his knowledge of the pertinent  
facts of the case, the undersigned attorney for the government must appear in person to litigate

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1 the motion on behalf of the United States.

2 3. In light of government counsel's unavailability, the parties stipulate that the sentencing  
3 hearing in this case be re-set for January 11, 2005, at 2:30 p.m.

4 SO STIPULATED.

5  
6 DATED: December 13, 2005

/S/ STEVEN KALAR  
STEVEN KALAR  
Attorney for Defendant Marcus Leslie

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8  
9 DATED: December 13, 2005

/S/ EDWARD TORPOCO  
EDWARD TORPOCO  
Assistant United States Attorney

10  
11 In light of the foregoing facts, and with the consent of the parties, the Court hereby re-  
12 schedules the sentencing hearing in this matter from December 13, 2005, at 2:30 p.m., to  
13 January 11, 2005, at 2:30 p.m.

14 PURSUANT TO STIPULATION, IT IS SO ORDERED.

15  
16 DATED: 12/14/05

  
HON. PHYLLIS J. HAMILTON  
United States District Judge